IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

WP(C).No. 18194 of 2007(N)

PETITIONER:

K.NARAYANAN,
JUNIOR SUPERINTENDENT, OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION, WAYANAD.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT, DEPARTMENT OF GENERAL EDUCATION, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS, THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR OF EDUCATION, WAYANAD.

BY ADV. SRI. NANDAKUMAR, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE ORDER DATED 19.02.2007 IN W.P.(C) NO. 25029/06.

EXT.P2: TRUE COPY OF THE APPLICATION FOR TRANSFER DATED 30.08.2005.

EXT.P3: TRUE COPY OF THE REPRESENTATION DATED 20.06.2006 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P4: TRUE COPY OF THE REPRESENTATION DATED 27.01.2007 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

/True Copy/

P.A to Judge.

W.P.(C) NO.

: 2 :

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1:

/True Copy/

P.A to Judge.

V. GIRI , J

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W.P.(C) NO. 18194 OF 2007

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Dated this the 7th day of September, 2007.

JUDGMENT

The petitioner is working as Junior Superintendent. He claimed to have applied for transfer to DDE's Office, Kannur, DEO's Office, Kannur, DDE's Office, Kasaragod and DEO's Office, Kanhangad. Ext.P2 is the application submitted by him in this regard indicating his options. He has been working at the present place since 2005 wherein he was posted on promotion. He was subsequently sought to be reverted and the order of reversion challenged by him in W.P.(C) No. 25029/2006 is stayed under Ext.P1 order. The order of stay of reversion continues to be in force. The respondents have taken a stand that the petitioner's application for transfer in Ext.P2 will be considered only after the disposal of the writ petition in which the petitioner has challenged the order of reversion.

2. I have heard the learned Government Pleader as well. It is contended by the Government Pleader that the petitioner cannot claim a right as such to posting at any particular place,

that the petitioner's application for transfer which he has submitted in accordance with the norms will be considered only after the disposal of the writ petition dealing with the validity of the reversion. The vacancy to which the petitioner is entitled and the consequential place where such vacancies are existing and the consideration of claims by other persons will all depend on the question as to whether the petitioner is liable to be reverted or not. The learned counsel for the petitioner contends that even if this be so, it is always open to the Government to consider the application for transfer. The learned counsel for the petitioner contends that if the petitioner can work as Junior Superintendent in Wayanad, there is no reason why he cannot do so in Kasaragod. Further, the options given by him in relation to other places in Ext.P2 should be considered on merits as such. He further contends that it is always open to the Government to review any transfer resultant upon the department accepting the options indicated by the petitioner in Ext.P2, when the writ petition filed by him challenging his reversion is ultimately disposed of.

3. I am of the view that the Director should consider Ext.P2 on merits. The fact that W.P(C) No. 25029/2006 is pending cannot be treated as placing a fetter on the consideration of Ext.P2 in accordance with the norms. In the result, the writ petition is disposed of directing the Director of Public Instructions to consider Ext.P2 in accordance with the transfer norms formulated by the Government and an appropriate decision may be taken in that regard. I have not indicated anything on the merits of the case and it is open to the DPI to take appropriate decision.

The writ petition is disposed of accordingly.

V. GIRI, JUDGE.

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